

At a regular meeting of the Town Board of the Town of Carroll, Chautauqua County, held on the 8<sup>th</sup> day of February, 2017, at 6:30 PM in the Town hall, Frewsburg, N.Y. there were:

PRESENT

Councilman Ekstrom

Councilwoman Ekstrom

Councilman Dahlgren

Councilwoman Lingenfelter

Supervisor Jones absent

Recording Secretary, Tenneil L. Stelmack, Town Clerk

Also Present:

T. Allison, Dan Sisson, Chief Wright, A. Gustafson, L. Sorg, P. Yeskey, K. Yeskey, A. Gifford,

T. Bloomquist, D. Bloomquist, D. Sparling, L. Greenwood, M. Greenwalt.

Councilman Ekstrom, Deputy Supervisor opened the meeting with a pledge to the flag.

Motion made by Councilwoman Lingenfelter to accept the minutes of the last meeting as submitted. A second from Councilwoman Ekstrom, carried.

Motion made by Councilwoman Lingenfelter to pay the audited monthly bills, a second from Councilwoman Ekstrom, carried. The audited bills are as follows:

GENERAL	2017-02 #24 thru #60 in the amount of	\$9,406.20
HIGHWAY	2017-02 #18 thru #38 in the amount of	\$17,247.12
WATER	2007-03 #15 thru #28 in the amount of	\$9,747.97

Councilman Ekstrom granted privilege to the floor.

Anna Gifford of 10 Frewrun St. presented her proposal to be paid on an hourly basis from September to May with no pay from June- August. See attached proposal. Deputy Councilman Ekstrom states, Board will take a look at proposal and let Anna Gifford know.

Tom Nelson 2100 Street of Jamestown, requesting any updated information on the band to smoking policy at the town park. Councilman Dahlgren states- Spring, March or April there will be a public hearing and a vote to ban smoking at the Town Park.

Motion made by Councilman Dahlgren to close the meeting. A second from Councilwoman Lingenfelter, carried.

Motion my by Councilwoman Ekstrom at 6:30 pm to open a Public Meeting. A second from Councilwoman Lingenfelter, carried.

Deputy Councilman Ekstrom read the following legal notice place in the Post Journal:

**For the approval of a Cable Television Agreement between Time Warner Cable Northeast LLC and the Town of Carroll**

PLEASE TAKE NOTICE that the Town of Carroll will hold a Public Hearing on February 8, 2017 at 6:30 p.m. at the Town Office, 5 Main Street, Frewsburg, New York regarding granting a cable television franchise agreement by and between the Town of Carroll and Time Warner Cable Northeast LLC, l/k/a Charter Communications.

A copy of the agreement is available for public inspection during normal business hours at the Town Clerk's office, 5 Main Street, Frewsburg, New York. At such public hearing, all persons will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitations may be imposed for each oral statement, if necessary.

Dated: February 8, 2017

By Order of the Board  
Town of Carroll

STATE OF NEW YORK

Town of Carroll  
County of  
Chautauqua

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In the Matter of the Granting of a Cable Television Franchise Held by Time Warner Cable Northeast LLC in the Town of Carroll, County of Chautauqua, New York

RESOLUTION

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An application has been duly made to the Board of the Town of Carroll, County of Chautauqua, New York, by Time Warner Cable Northeast LLC, I/k/a Charter Communications, a limited liability company organized and existing in good standing under the laws of State of Delaware doing business at 2604 Seneca Avenue, Niagara Falls, NY 14305, for the approval of a renewal agreement for Time Warner Cable's cable television franchise for ten (10) years commencing with the date of approval by the Public Service Commission commencing with the date of approval by the Public Service Commission.

The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

A public hearing was held in the Town of Carroll, New York on February, 8 at 6:30 P.M. and notice of the hearing was published in the Post Journal on February 1, 2017.

NOW, THEREFORE, the Board of the Town of Carroll finds  
that:

1. Time Warner Cable Northeast LLC has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and

2. Time Warner Cable Northeast LLC has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
3. Time Warner Cable Northeast LLC can reasonably meet the future cable- related community needs and interests, taking into account the cost of meeting such needs and interests.

BE IT FURTHER RESOLVED that the Board of the Town of Carroll hereby grants the cable television franchise of Time Warner Cable Northeast LLC and the Town of Carroll for ten (10) years commencing with the date of approval by the Public Service Commission and expiring ten (10) years hence.

BE IT FURTHER RESOLVED that the Board of the Town of Carroll hereby confirms acceptance of this Franchise Renewal Agreement.

The foregoing having received a                      vote was thereby declared adopted.

Dated: February 8, 2017.

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Town of Carroll Clerk

Motion to sign the agreement Councilwoman Ekstrom. A second made by Councilwoman Lingenfelter, carried.

Motion to close the Public Hearing Councilwoman Lingenfelter. A second made by Councilman Dahlgren, carried.

Motion to open regular meeting Councilwoman Ekstrom. A second made by Councilwoman Lingenfelter, carried.

Chief Wright submitted his monthly report to the Board, and also advised potholes are bad in the area, drive safely. No other issues or concerns.

Highway Supervisor T. Allison mentions N. Pearl potholes are bad. Suit Coat has been contacted and N. Pearl will be ground out and patched this summer. This section cannot be paved due to the time since last paved has only been 9 out of the 10 years required to repave with CHIP funds. Town of Harmony would like to purchase our Trackless sidewalk plow along for \$6,000 with all service records and manual, as is condition. No bid required- going to another municipality. Board resolution to sell Trackless machine to North Harmony motion- Councilwoman Lingenfelter. A second by Councilwoman Ekstrom, carried. PERP has been contacted in contact with Jack and will be have a meeting to discuss contract issue once Jack is back from vacation. Flooding issues- Chaut. Co. Soil and water states we are responsible for flooding out 15 Washington St. No new permit need to repair damage. Ivory Creek- flooding the cemetery, DEC contacted. Jack and Tim spoke to local trappers. Hopes all beaver are trapped and nature washes out the damn. Tom attempting to purchase Service time back toward pension. Mr. Allison retirement was not reported from January-May of 2000. Kevin Honey has been contacted to take care of this issue.

Dan Sisson, Water Supervisor- GPI- working on the modeling of the town. Todd- requested any updates. Dan is working on getting the costs. The radio system broke, water softener needs replaced. Water softener is from 2012 and was budgeted into the 2017 budget. A motion was made by Councilwoman Lingenfelter. A second motion made by Councilman Dahlgren, carried. Roll call vote- 4- in favor, 0- opposed, 1 absent. Dan briefly spoke about the pamphlet on well 5 which was handed out. Cathy Young contacted about the lack of response from the DEC. Attached you will see a letter in response to the Department of Environmental Conservation (well 5), along with notes written by Dan Sisson Water Supervisor with prices for repairs.

ACO Sparling submitted his report for the month and advised he had taken seven complaints and dogs to the shelter. All reports were given to Chief Wright.

Code Enforcement Officer Gustafson submitted his report for the month, and said he has taken two application at Brookside Estates. Planning board meeting next week. 59 Wheeler Hill- obtained new

photographs, property is better but still in very poor condition. There is a court date set from February 21<sup>st</sup> to check any updates and progress. A. Gustafson spoke to neighbors and Janine Torrey and will be forwarding new, updated photos per. the FOIL request.

Assessor L. Sorg states Real Property received 100% again this year. Cathy will be mailing out second notices on the STAR and aged exemptions next week. 50-60% of the renewal applications have returned so far. All exemption applications need to be in by March 1<sup>st</sup>. The STAR Program can be applied for locally with the assessor's office if the property was purchased before March 2015. Anything after March 2015 needs to be done online. Laurie is working on building permits and property inspection requests.

Motion to close at 6:57 pm to go into executive session made by Councilwoman Lingenfelter. A second was made by Councilwoman Ekstrom, continued.

A motion was made by Councilman Dahlgren to open Executive session at 7:01 pm, a second was made by Councilman Lingenfelter.

A motion was made to close Executive session at 8:41 pm by Councilwoman Ekstrom and a second by Councilwoman Lingenfelter, continued.

The regular meeting resumed at 8:43 pm and a motion was made by Councilwoman Lingenfelter. A second by Councilwoman Ekstrom, continued.

Councilman Dahlgren set the Easter Egg Hunt for Saturday, April 15th at 11:00 am, at Frewsburg High School.

Councilwoman Lingenfelter- Contacted Donna Thompson from BCBS in regards to a 4 tier insurance plan for elected officials. A policy will be instated and a meeting with Donna will be held on March 8<sup>th</sup> regarding this matter.

Councilman Ekstrom- States Cindy Brown has resigned from Deputy Clerk as well as Court Clerk. Cindy has agreed to stay on for 60 days for the Court Clerk position during the transition period. Judge Grey and Cass will be taking application for a new Court Clerk. Judges to appoint this is individual in the Court Clerk position. Motion made by Councilwoman Lingenfelter, a second by Councilwoman Ekstrom, continued.

A motion was made to review the Town Clerk Books, years 2014-2016. These books are due for review by the close of business on Friday, February 17<sup>th</sup>. Motion made by Councilwoman Lingenfelter, a second by Councilwoman Ekstrom. Roll call vote- 4- I, No- Nah, 1- Absent.

A motion was made to review the Judges books for 2016. Motion was made by Councilwoman Lingenfelter, a second by Councilwoman Ekstrom. Roll call vote- 4-I, No- Nah, 1- Absent.

Issues regarding payment of bills.

T. Allison was unable to receive a load of salt due to lack of payment. January bill had not yet been paid since last Thursday (Feb 2, 2017). This was brought to Kevin Honeys attention, he called Feb. 7, 2017 to American Rock Salt and was able to make payment allowing for another shipment. Chief Wright states, as of the end of the calendar year, 2016, the tires for the Police Dept. had not yet been paid. Trackless statement and delivery was December 19<sup>th</sup>, 2016, bill due January 19<sup>th</sup>. Unable to pay payment due to lack of funds. Dan states, he has received numerous second bill notices. Late fees are accumulating and early payoff discounts are being lost. Councilman Ekstrom states, this subject needs to be addressed and discussed with Kevin to change the billing system.

Councilwoman Ekstrom- requests old business be followed-up on and brought up at each meeting.

John and Laurie Munson- septic system with new property was never followed through. They would like a written records assuring them- they will never have issues and would like this documented.

Adjournment motion made at 9:33 by Councilman Dahlgren, second from Councilwoman Ekstrom, carried.

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Tenneil L. Stelmack